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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,701	10/29/2003	Kenneth P. Glynn	IVC-106A, Case 15	7536
7590 03/29/2004			EXAMINER	
KENNETH P. GLYNN, ESQ 24 Mine Street Flemington, NJ 08322-1598			LE, UYEN CHAU N	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/696,701	<b>Applicant(s)</b> GLYNN, KENNETH P.	
	<b>Examiner</b> Uyen-Chau N. Le	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>102903</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because of its informalities.  
Re abstract, line 1: Substitute "The present invention is an" with -- An --.  
Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claims 1 and 6 are objected to because of the following informalities:  
Re claim 1, line 7: Substitute "its own" with -- a --.  
Re claim 1, line 26: Substitute "on" with -- one --.  
Re claim 6, line 2: Delete "capable of".  
Re claim 6, line 4: Substitute "same" with -- said received inputs--.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-7, 10-12, 14 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Zembitski (US 6,193,160).

Re claims 1, 3-7, 10-12, 14 and 16-17: Zembitski discloses a system for creating an item location directory to locate one or more specific items, comprising a plurality of sets of different items, each set having at least one item 6B, each set having a specified location (e.g., container 4), and each set having a unique item-identifying barcode 60B (col. 10, lines 60+ and col. 8, lines 44+); a plurality of specified locations, each location (e.g., container 4) having at least one of the plurality of sets of different items located thereat, each location of the plurality of locations having a unique location-identifying bar code, at least one item from each set of the plurality of sets of items having a the unique location-identifying bar code physically situated thereon (col. 6, lines 62+ and col. 7, lines 64+); at least one bar code reader 5 for reading the item-identifying bar codes 60B and the location-identifying bar codes (col. 7, lines 64+); at least one processor (e.g., central computer) adapted to receive inputs from the at least one bar code reader 5 (col. 7, lines 44+); sufficient programming within the processor to provide for recognition, organization, storage and presentation of item-identification/corresponding location-identification data pairs obtained from said item-identifying bar codes and said location-identifying bar codes, so as to create an item location directory therefrom (col. 15, lines 20+); wherein the unique location-identifying bar code is a bar code which corresponds to a location selected from the group consisting of aisle, row, shelf, bin, drawer and floor space area (col. 6, lines 52+); wherein the unique location-identifying bar code is a bar code which includes code for genus data (e.g., sector number) and for species data (e.g., container/bin number); wherein the programming includes software which is receiving bar code reader inputs and converting the received inputs to item-identification/corresponding location-identification data pairs for location information (col. 15, lines 20+); wherein the system further includes a user feedback unit (e.g., a display) which

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includes visual display means 52 for viewing visual feedback in the form of text, or map or a combination thereof (col. 13, lines 10+); wherein the location-identifying bar codes are different from all item-identifying bar codes 60B contained within the system, and wherein the processor is programmed to correlate the location-identifying bar codes to their assigned locations (col. 8, lines 55); wherein at least one directory further includes selected form the group consisting of printed directory, on-screen directory, on-line directory, audible directory and combinations thereof (col. 15; lines 7+); wherein the bar code reader 5 is wirelessly connected to the processor (col. 9, lines 54+).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-2, 8-9, 11, 13, 15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Conzola et al (US 6,497,367).

Re claims 1-2, 8-9, 11, 13, 15 and 18: Conzola et al discloses a system for creating an item location directory to locate one or more specific items, comprising a plurality of sets of different items, each set having at least one item 34, each set having a specified location (e.g., shelving unit 32), and each set having a unique item-identifying barcode 36 (col. 7, lines 5+); a plurality of specified locations, each location (e.g., shelving unit 32) having at least one of the plurality of sets of different items located thereat, each location 32 of the plurality of locations having a unique location-identifying bar code 40, at least one item from each set of the plurality of sets of items having a the unique location-identifying bar code physically situated thereon (col. 7, lines 47+); at least one bar code reader 10 for reading the item-identifying bar codes 36 and the location-identifying bar codes 40; at least one processor 80 adapted to receive inputs from the at least one bar code reader 10 (col. 8, lines 34+); sufficient programming within the processor 80 to provide for recognition, organization, storage and presentation of item-identification/corresponding location-identification data pairs obtained from said item-identifying bar codes and said location-identifying bar codes, so as to create an item location directory therefrom (col. 8, line 57 through col. 8, lines 13); wherein the unique item-identifying/location-identifying bar code is a UPC bar code (col. 7, lines 42+); a secondary processor to receive and translate barcode reader inputs and to create item/corresponding location information in voice enabling format (col. 14, lines 50+).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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The patents to Carmichael et al (US 5,303,034); Melbye et al (US 5,412,194); Ogasawara (US 6,123,259); Reber et al (US 5,969,324); Fischer (US 5,298,725); Citron et al (US 5,288,976) are cited as of interest and illustrate a similar structure to an apparatus and system of PRODUCT LOCATION METHOD UTILIZING PRODUCT BAR CODE AND PRODUCT-SITUATED, AISLE-IDENTIFYING BAR CODE.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on MON, TUES AND THURS-SAT 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Uyen-Chau N. Le  
March 21, 2004

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
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